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UNCLASSIFIED		CONFIDENTIAL	
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OFFICIAL ROUTING SLIP			25X1
TO	NAME AND ADDRESS	DATE	INITIALS
1	Executive Secretary, USIB	24 Jan	
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ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks:			
<div style="border: 1px solid black; width: 150px; height: 20px; margin: 10px 0;"></div> <p>Attached herewith are two documents for your information.</p>			
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FROM: NAME, ADDRESS AND PHONE NO.			DATE
C/TSCC 3E-30			23 Jan 69
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UNITED STATES INTELLIGENCE BOARD

TECHNICAL SURVEILLANCE COUNTERMEASURES COMMITTEE

OFFICE OF THE CHAIRMAN

17 January 1969

MEMORANDUM FOR: TSCC Members

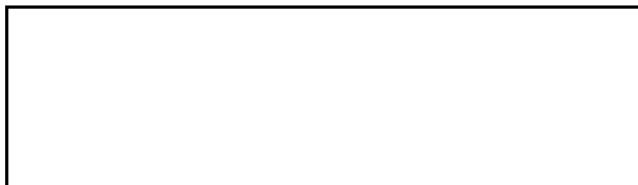
SUBJECT : Foreign Procurement of Commercial
Audio Surveillance Equipment

1. In response to the TSCC's request, General Counsel/ CIA sought the advice of the Criminal Division of the Department of Justice as to the impact of 18 U.S.C. 2512 (P.L. 90-351, 82 Stat. 214) (generally referred to as the Omnibus Crime Control and Safe Streets Act of 1968) on the procurement in the United States by foreign governments of commercially available audio surveillance equipment.
2. The Department of Justice advised that this law prohibits the shipment, within the United States by mail or in interstate or foreign commerce, of audio surveillance equipment or catalogues describing such devices. The fact that an inquiry or order comes from a foreign government would not make lawful such shipments. The manufacturer or seller cannot lawfully ship such items from the United States by mail or in interstate or foreign commerce, either to a commercial exporting firm or directly to a foreign government.
3. It is the view of the Department of Justice that a purchase within a state for the purpose of transporting the device outside the state (even if no further sale or commercial aspect is intended) is in fact interstate commerce. It would therefore be unlawful for a supplier to sell audio equipment to one who intended subsequently to ship the material abroad.

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4. The Department of Justice feels that a foreign government therefore can obtain commercial audio surveillance equipment in this country only by asking an appropriate U.S. government agency to procure it for them. Such a transaction is permitted under Section 2512(2) of Title 18 as an action within "the normal course of the activities of the United States."

5. The correspondence between CIA and the Department of Justice is available in this office should any TSCC member wish to see it.



Chairman

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